

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NATIONAL ROOFING INDUSTRY
PENSION PLAN, et al.,

Plaintiffs,

V.

No. 4:18CV1862 JCH

TAYLOR ROOFING SOLUTIONS, INC., et
al.,

Defendants.

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' Motion for Attorneys' Fees and Costs, filed May 9, 2022. (ECF No. 119). On April 28 and 29, 2022, the Court entered judgment in Plaintiffs' favor on their claims for unpaid employee benefit contributions, unpaid wages, unremitted union dues, liquidated damages, and payroll examination costs under the Labor Management Relations Act (LMRA), 29 U.S.C. § 185, and the Employee Retirement Income Security Act (ERISA), 29 U.S.C. §§ 1132 and 1145. Plaintiffs then moved for attorneys' fees and costs, seeking \$90,240.22 in attorneys' fees and \$1,243.30 in costs. Defendants have not opposed the motion. The Court finds Plaintiffs' requests for fees and costs reasonable and will award the full amounts Plaintiffs seek in their unopposed motion.

Under ERISA, an award of reasonable attorneys' fees and costs is mandatory when a fiduciary has successfully sued to enforce an employer's obligation to make contributions to a multiemployer plan. *See* 29 U.S.C. § 1132(g)(2). As a result, Plaintiffs are entitled to receive the reasonable attorneys' fees and costs they incurred in this case. Plaintiffs further claim entitlement to fees and costs based on the terms of their collective bargaining agreement, which

requires Defendants to pay court costs and attorneys' fees in an action to recover unpaid principal contributions or union dues.

In support of their motion for attorneys' fees, Plaintiffs have provided detailed billing records and an affidavit that explains how they calculated the fee request, and details the work completed and their firm's standard hourly billing rate for this type of work. Defendants have not objected to Plaintiffs' motion. After careful review of these filings, and based on the Court's knowledge of the prevailing billing rates and practices in this market for this type of work, the Court finds Plaintiffs' request for attorneys' fees is reasonable. Plaintiffs' bills reflect a reasonable amount of time, billed at a reasonable rate, devoted to functions necessary to resolve the case. As a result, Plaintiffs are entitled to attorneys' fees in the amount of \$90,240.22. Plaintiffs' request for costs is also reasonable, and as Defendants have not filed a timely objection to Plaintiffs' request for costs, Plaintiffs are also entitled to an award of costs in the amount of \$1,243.30.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Attorneys' Fees and Costs (ECF No. 119) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs shall recover from Defendants Taylor Roofing Solutions, Inc.; Taylor Roofing Solutions, Inc., d/b/a Capitol Roofing Solutions; Capitol Roofing Solutions, L.L.C.; and Gerrit Yank, jointly and severally, attorneys' fees in the amount of \$90,240.22 and costs in the amount of \$1,243.30.

Dated this 26th Day of May, 2022.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE